

FILED  
IN CLERKS OFFICE.  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(EASTERN DIVISION) 2005 MAR 11 P 1:43

JUSTIN COOK

Plaintiff,

v.

CRUISECOMPETE, LLC,  
HEIDI ALLISON-GARRETT,  
ERIC BUSICK, and  
ROBERT A. LEVINSTEIN  
Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Civil Action No. 05-CV-10443-JLT

AFFIDAVIT OF ERIC BUSICK IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS, OR IN THE ALTERNATIVE TO TRANSFER VENUE

I, Eric Busick, being duly sworn do hereby depose and state:

1. I am a defendant in the above-captioned matter, am above the age of twenty-one, am competent to testify, and have personal knowledge of the facts herein. To those facts that I do not have personal knowledge I allege such facts on information and information and belief, and as to such facts believe them to be true.
2. I am a member of CruiseCompete, LLC. I am a resident and citizen of the State of Iowa.
3. My understanding of Article 10.4 of Operating Agreement attached to the Verified Complaint at Exhibit 2, both at the time of the signing of the Operating Agreement and to this day, is that it was intended to ensure that Iowa would be the only location of any lawsuit or other dispute between the members and that Iowa law would control any such lawsuit or dispute.
4. Having to travel to Massachusetts to participate in a litigation there will be unnecessarily expensive and work a financial hardship upon me.


SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 9 DAY OF MARCH, 2005.

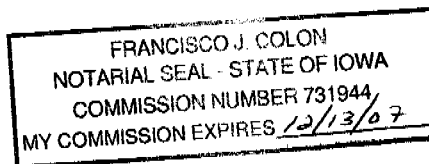
  
ERIC BUSICK

\_\_\_\_\_, ss.

State of Iowa

Before me, the undersigned authority, personally came and appeared the affiant, Eric Busick, who, being first duly sworn upon oath, stated that he has read the above and foregoing document and knows the contents thereof, and that all statements of fact contained therein are true. Subscribed and sworn to before me, this 9 day of March, 2005.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Address of Notary:



My Commission Expires: 12/13/2007

Francisco J Colon  
515-237-5367  
Wells Fargo Bank, NA  
2840 Ingersoll Ave  
Des Moines, IA 50312

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NOTICE OF SERVICE  
I hereby certify that a true copy of this  
document was served upon the  
party of record for each other party  
by \_\_\_\_\_ on 3/11/05